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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,157	01/09/2002	Arthur Joseph Blake JR.	18133-096	1092

7590 04/15/2003
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EXAMINER

ASHBURN, STEVEN L

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 04/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,157

Applicant(s)

BLAKE, ARTHUR JOSEPH

Examiner

Steven Ashburn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Specification

The title of the invention is not descriptive. In particular, the current title is "Video Game Management System with Surge Protection". However claim 1, the applicant's broadest claim, does not describe a system with surge protection. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14, 26, 27, 30 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the term "certain features" is deemed indefinite because it does not particularly describe the features the applicant considers inventive.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Morrow, U.S. Patent 5,324,036 (Jun. 28, 1994).

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Morrow discloses a video game management composed of a console having an inclined tabletop and a set of length adjustable legs connected with the console. *See col. 1:42-2:35*. The console includes covered compartments for holding video game cartridges, a covered central processing unit compartment, and recessed hand controller receptacles. *See id.* The console also includes a hinged tabletop panel that allows the user access to the interior of the console for the purposes of connecting the hand controllers to respective recessed hand controller receptacles and for effecting wiring adjustments. *See id.*

Additionally, it provides auxiliary hand controller openings in a front panel of the console. *See id.*

Preferably, the wiring running exterior of the console is wound on a spring loaded recoil reel. *See id.*

The objects of *Morrow* is to provide an attractive, functional, lightweight, durable and inexpensive video game management unit having (i) storage for components, (ii) anchorage for selected hand controllers, (iii) selectable switching of the active the hand controllers and (iv) convenient storage of game cartridges. *See id.*

See id.

In regards to independent claim 1: *Morrow* teaches a storage module constructed and arranged to store memory cards (56); a controller clip (74) configured to cradle a video game controller (18). *See fig. 1-3.*

In regards to claim 2: *Morrow* additionally teaches the controller clip constructed and arranged to accept a video game controller cord. *See id.*

In regards to claim 3: *Morrow* additionally teaches the controller clip is removable. *See fig. 3(76)*

In regards to claim 6: *Morrow* additionally teaches the storage module having a closeable door. *See fig. 3(52).*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Morrow*.

In regards to claim 4: *Morrow* teaches storing video games recorded within video game cartridges. Thus, the reference teaches all the features of the claim except storing one or more DVD, CD-ROM or video game disks. Regardless, it is notoriously well known in the art for video game systems to execute video games recorded on media including DVD, CD-ROM or game disks because these can store a large quantities of data. Consequently, it would have been obvious to an artisan at the time of the invention to modify the video game management system described by *Morrow*, wherein the console stores video games, to add the feature of storing one or more DVD, CD-ROM or video game disks and thereby organize video games for video game systems that employ these media. As suggested by *Morrow*, the modification would allow convenient storage of the game media. *See col. 1:29-32, 2:16-21*,

In regards to claim 7: *Morrow* teaches all the features of the claim except the storage module having a label. Regardless, it notoriously well known to label items to identify what they are or what they contain and thereby greatly reduce user misperception as to what the items are or contain. Furthermore, items are commonly labeled by manufacturers to communicate information (e.g. "High Voltage" or for tracking (e.g. serial numbers). In this case, it would have been obvious to an artisan at the time of the

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invention to modify the storage module describe by *Morrow* to add the feature of a label to greatly reduce user misperception as to what the item are or contain.

Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Morrow* in view of *Goekler*, U.S. Patent 5,253,756 (Oct. 19, 1993)

In regards to claim 5: *Morrow* teaches all the features of the claim except having removable storage modules. Regardless of the deficiencies, these features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Goekler*.

Goekler discloses an analogous management system for storing a variety of data-storage media including compact disks, cartridges and cassettes. *See col. 1:5-14*. The reference teaches that many such containers are not versatile enough to efficiently store different kinds of media. Furthermore, they hold media in a manner that makes it difficult to identify, grasp or remove. *See col. 1:28-30*. Accordingly, *Goekler* teaches having media trays that are removable such that the media can be reorganized, more readily viewed and more easily grasped. *See col. 2:43-51*.

In view of *Goekler*, it would have been obvious to an artisan at the time invention to modify the video game management system taught by *Morrow*, wherein video game media is stored, to add the feature of removable storage modules. As suggested by *Goekler*, the modification would enhance the system by allowing the media to be more easily reorganized, viewed and grasped. *See col. 2:43-51*.

In regards to claim 8: *Goekler* additionally describes storing the media in their original cases. *See fig. 10*.

Claims 9-13, 15, 19, 20, 22-25, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Morrow* in view of *Chaudhry*, U.S. Patent 6,252,754 B1 (Jun. 26, 2001).

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In regards to claims 9 and 15 *Morrow* teaches a video game management unit containing all of the components of a video game system in an organized and convenient manner. *See fig. 1; col. 1:42-2:28*. However, the reference does not describe a surge suppression system wherein the surge suppression system is constructed and arranged to provide surge protected power to one or more electronic devices. Regardless of the deficiencies, these features would have been obvious to an artisan in view of *Chaudhry*.

Chaudhry discloses that many homes have home entertainment centers with expensive audio/visual equipment. *See col. 1:15-2:59*. These sensitive electronic devices are connected to the outside world by means of telephone lines, coaxial transmission lines and AC power lines. *See id.* *Chaudhry* identifies several sources of overvoltage that threaten devices connected to external lines including power lines, telephone line (both voice lines and high speed data lines) and coaxial lines (both cable TV and satellite dish antennas). *See id.* For example, the reference teaches that over 90 million lightning bolts are estimated to strike the United States annually and, as a result, insurance claims for damages due to lightning exceeded one billion dollars in 1990. *See id.* *Chaudhry* estimates that this number will increase as homeowners purchase more sophisticated electronics equipment. *See id.* Consequently, the reference identifies the need to protect power, telephone and coaxial transmission lines from voltage surges. In particular regards to the claim, *Chaudhry* suggests protecting a home entertainment center with a surge protection system.

In view of *Chaudhry*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the video game management system described *Morrow*, wherein the console contains all the components of a video game system as part of a home entertainment center, to add the feature of a surge suppression system. As suggested by *Chaudhry* the modification would enhance the system by protecting the sensitive home entertainment devices from damage or loss due to voltage surges.

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In regards to claim 10, *Chaudhry* additionally teaches the surge suppression system including protected power outlets. *See fig. 1(22)*.

In regards to claim 11, the video game management system suggested by the combination of *Morrow* with *Chaudhry* describes all the features of the claim except the surge suppression system having a power-on or surge-protection status light. Regardless, it is notoriously well known for surge suppressors to incorporate power-on or surge-protection status light to indicate to users the status of the system and thereby allow the user to know if the system is powered and operational. Thus, in this case, it would be obvious to an artisan to modify the video game management system suggested by the combination of *Morrow* with *Chaudhry*, wherein the system includes a surge suppressor, to add the feature of a power-on or surge-protection status light to indicate to users the status of the system and thereby allow the user to know if the system is on and operational.

In regards to claim 12, *Chaudhry* additionally describes the surge suppression system for providing protection to a plurality of electric devices through at least one jack. *See fig. 1*.

In regards to claim 13, *Chaudhry* additionally describes the surge suppression system including a coaxial, RJ-45 or RJ-11 jack. *See col. 3:62-4:16*.

In regards to claim 19: *Morrow* additionally teaches the storage module having a closeable door. *See fig. 3(52)*.

In regards to claim 20: *Morrow* teaches all the features of the claim except the storage module having a label. Regardless, it is notoriously well known to label items to identify what they are or what they

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contain and thereby greatly reduce user misperception as to what the item should or does contain.

Furthermore, items are commonly labeled by manufacturers to communicate information (e.g. “High Voltage” or for tracking (e.g. serial numbers). In this case, it would have been obvious to an artisan at the time of the invention to modify the storage module described by *Morrow* to add the feature of a label to greatly reduce user misperception as to what the item is or contains.

In regards to claim 22, *Chaudhry* additionally describes the surge suppression system for providing protection to a plurality of electric devices through at least one jack. *See fig. 1.*

In regards to claim 23, *Chaudhry* additionally describes the surge suppression system including a coaxial, RJ-45 or RJ-11 jack. *See col. 3:62-4:16.*

In regards to claim 24: *Morrow* teaches a storage module constructed and arranged to store memory cards (56); a controller clip (74) configured to cradle a video game controller (18). *See fig. 1-3.*

In regards to claim 25: *Morrow* additionally teaches the controller clip constructed and arranged to accept a video game controller cord. *See id.*

In regards to claim 29: It is implicit in *Morrow* that the video game management system provides a thermal barrier between the game console and the surface of an object. *See fig. 2, 3.* In particular, each unit is contained in a compartment separated by wall and air-space providing a thermal barrier between the compartments. *See id.*

Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Morrow* in view of *Hussaini et al.*, U.S. Patent D462,398 (Sep. 3, 2002).

In regards to claim 14, *Morrow* teaches all the features of the claim except having certain features of the video game management system constructed and arranged to correspond to a specific video game console. Regardless of the deficiencies, these features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Hussaini*.

Hussaini illustrates a video game management system constructed and arranged to correspond a specific video game console. In particular, based on the controller jacks and footprint, the system is clearly constructed and arranged to support a Sony Playstation2[®] video game console.

In view of *Hussaini*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Morrow*, wherein the system is adapted to hold a video game console and interface with the console's controllers, to construct and arrange the console to correspond to a specific video game console and thereby better support the form, fit and functionality of the console.

Claims 16-18, 21, 29 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Morrow* in view of *Chaudhry*, as applied to claim 15 above, in further view of *Goekler*.

In regards to claims 16, 18 and 29: The video game management system suggested by the combination of *Morrow* with *Chaudhry* describes all the features of the claim except having removable storage modules that are sliding trays. Regardless of the deficiencies, these features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Goekler*.

Goekler discloses an analogous management system for storing a variety of data-storage media including compact disks, cartridges and cassettes. *See col. 1:5-14*. The reference teaches that many such containers are not versatile enough to efficiently store different kinds of media and, furthermore, hold the

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media in a manner that makes it difficult to identify, grasp or remove. *See col. 1:28-30*. Accordingly, *Goekler* teaches having slidable media trays that are removable such that the media can be reorganized, more readily viewed and more easily grasped. *See col. 2:43-51*.

In view of *Goekler*, it would have been obvious to an artisan at the time invention to modify the video game management system suggested by the combination of *Morrow* with *Chaudhry*, wherein video game media is stored, to add the feature of removable, sliding trays. As suggested by *Goekler*, the modification would enhance the system by allowing the media to be more easily reorganized, viewed and grasped. *See col. 2:43-51*.

In regards to claim 17, 32 and 33: *Morrow* teaches storing video games recorded within video game cartridges. Thus, the reference teaches all the features of the claim except storing one or more DVD, CD-ROM or video game disks. Regardless, it is notoriously well known in the art for video game systems to execute video games recorded on DVD, CD-ROM or game disks because they can store a greater amount of data. Consequently, it would have been obvious to an artisan at the time of the invention to modify the video game management system described by *Morrow*, wherein the console stores video games, to add the feature of storing one or more DVD, CD-ROM or video game disks and thereby organize video games for video game systems that store games on these media. As suggested by *Morrow*, the modification would allow convenient storage of the game media. *See col. 1:29-32, 2:16-21*,

In regards to claim 21: *Goekler* additionally describes storing the media in their original cases. *See fig. 1*.

In regards to claim 34: *Goekler* additionally describes removable storage modules. *See fig. 1*.

Claims 26, 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Morrow* in view of *Chaudhry*, as applied to claim 15 above, in further view *Hussaini*.

In regards to claim 26 and 30, *Morrow* teaches all the features of the claim except having certain features of the video game management system constructed and arranged to correspond to a specific video game console. Regardless of the deficiencies, these features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Hussaini*.

Hussaini illustrates a video game management system constructed and arranged to correspond a specific video game console. In particular, based on the controller jacks and footprint, the system is clearly constructed and arranged to support a Sony Playstation2® video game console.

In view of *Hussaini*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Morrow*, wherein the system is adapted to hold a video game console and interface with the console's controllers, to construct and arrange the console to correspond to a specific video game console and thereby better support the form, fit and functionality of the console.

In regard to claim 27 and 31, the combination of *Morrow* with *Chaudhry* and *Hussaini* suggests a video game management system that is constructed to match a particular video game console. However, the combination does not describe accenting the system in a color corresponding with the specific console. Regardless, it is notoriously well known to color commercial devices such that they match because matching colors are more aesthetically pleasing to consumers. As a result, a consumer is more likely to purchase the aesthetically pleasing product over one that is not. Consequently, in this case, it would be obvious to an artisan at the time of the invention to modify the video game management system suggested by the combination of *Morrow* with *Chaudhry* and *Hussaini*, wherein the system is constructed to match a particular video game console, to add the feature of accenting the system in a color

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corresponding with the specific console. As a result, sales of the system would be enhanced because consumers are more likely to purchase a purchase the aesthetically pleasing.

Prior Art, Not Relied On

The following prior art of record is not relied upon but is considered pertinent to applicant's disclosure:

- a. Orfield, U.S. Patent 6,608,257 (May 30, 2000) discloses a video game storage system.
- b. Takeda et al., U.S. Patent 4,658,956 (Apr. 21, 1987) discloses a portable system for an audio-visual system including a thermal barrier and power supply with voltage suppression.
- c. McKnight et al., U.S. Patent 5,250,851 (Oct. 5, 1993) discloses a voltage suppressor that stacks beneath other components within a system.
- d. LaRose, U.S. Patent 4,466,674 (Aug. 21, 1984) discloses a video game management system having a slidable drawer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.

S.A.
April 9, 2003

A handwritten signature in black ink, appearing to read 'MS', with a stylized flourish extending from the bottom.

MARK SAGER
PRIMARY EXAMINER